WEST virginia legislature

2024 regular session

Committee Substitute

for

House Bill 4734

By Delegates Nestor, Kelly, Hott, Riley, Martin, Brooks, Barnhart, Petitto, Vance, and Young

[Originating in the Committee on Finance; Reported on February 22, 2024]

A BILL amend and reenact §5-5-4b of the Code of West Virginia, 1931, as amended, relating to providing a pay equity salary adjustment and increase to certain employees of the Division of Corrections and Rehabilitation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

§5-5-4b. Division of Corrections, Division of Juvenile Services, and Regional Jail Authority pay equity salary adjustment.

(a) The Legislature hereby finds that the Division of Corrections, Division of Juvenile Services and the West Virginia Regional Jail and Correctional Facility Authority have extreme difficulty with recruiting and retaining employees of all types.

(b) The Legislature hereby directs that a pay equity salary adjustment and increase be provided to all employees of the Division of Corrections, Division of Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority, regardless of where the employee reports to work. This salary adjustment shall be for a total of $6,000 apportioned over a three-year period as follows:

(1) On July 1, 2018, applicable employees of the Division of Corrections, Division of Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be given an increase in annual pay of $2,000;

(2) On July 1, 2019, applicable employees of the Division of Corrections, Division of Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be given an increase in annual pay of $2,000; and

(3) On July 1, 2020, applicable employees of the Division of Corrections, Division of Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be given an increase in annual pay of $2,000.

(c)(1) On July 1, 2024, the Legislature hereby directs that a pay equity salary adjustment and increase be provided to full-time equivalent employees of the Division of Corrections and Rehabilitation that are employed as non-uniform administrative staff. This salary adjustment shall be for a total of three percent of each such employee’s salary as of the effective date of this subdivision for those employees who have accumulated three years or more of continuous employment.

(2) On or after July 1, 2024, individuals who have accumulated less than three years of continuous employment and individuals becoming employed as full-time equivalent employees of the Division of Corrections and Rehabilitation that are employed as non-uniform administrative staff shall receive a salary adjustment for a total of three percent of each such employee’s salary after each such individual accumulates three years of continuous service, which will be calculated based upon the employee’s salary at the date he or she accumulated three years of continuous service.

~~(c)~~(d) Funding for the pay rates for employees of the Division of Corrections and Division of Juvenile Services shall be provided from the general revenue appropriations to the Division of Corrections and Division of Juvenile Services, respectively.

~~(d)~~(e) The salary adjustment for employees of the West Virginia Regional Jail Authority shall be funded from the special revenue fund established in §31-20-10 of this code, and shall not require additional general revenue appropriations from the Legislature.

(f) For purposes of the reenactment of this section during the regular session of the Legislature in 2024, the salary adjustments set forth in subsection (c) of this section for the applicable full-time equivalent employees of the Division of Corrections and Rehabilitation that are employed as non-uniform administrative staff shall be paid from the general revenue appropriations to the Division of Corrections and Rehabilitation: *Provided*, That the salary adjustment for the applicable full-time equivalent employees of the Division of Corrections and Rehabilitation that are employed as non-uniform administrative staff employed at a regional jail shall be funded from the special revenue fund established in §15A-3-16 of this code.

~~(e)~~(g) In the event any provision of this section conflicts with any rule, policy, or provision of this code, this section shall control. Due to the limits of funding, the implementation of the pay rates and employment requirements shall not be subject to the provisions of §6C-2-1 *et seq.* of this code. The provisions of this section are rehabilitative in nature and it is the specific intent of the Legislature that no private cause of action, either express or implied, shall arise pursuant to the provisions or implementation of this section.

~~(f)~~(h) If, following this pay raise, the employee will make more than the maximum allowable by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that employee shall make more than the pay grade maximum.